IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 15724 of 1994

Between:

C.N.Prasad, S/o. Sri Nagesulu,
R/o. Brahmangari Matham, Cuddapah Dist-516 503.

..... PETITIONER

AND

1 Tirumala Tirupati Devasathanams, rep.by it's Executive Officer,TTD Administrative BUildings, Tirupati, Chittoor Dist.
2 Devasthanam Educational Officer, Tirumala Tirupati Devasathanams, TTD Administrative Bildings, Tirupati,
Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ, particularly a Writ of Mandamus declaring the action of the respondents in not appoInting the petiioner as School Assistant in Mathematics Pursuant to proceedings NO.Roc.No.D2/43697/92, dt.4-1-1994 as arbitrary , illegal and in violativon of Art.14&16 of the constitution of India and consequential relief of direction to the respondents to permit him to join duty in the post of School Asst.(Maths) in SGS High School, TTD, Tirupati,

Counsel for the Petitioner:MR.RAMESH RANGANADHAN

Counsel for the Respondents.: MR.A.RAMALINGESWAR RAO,S.C. for T.T.D.Tirupathi.

The Court made the following :

ORDER

This Writ Petition is filed by the petitioner seeking a writ of mandamus directing the respondents to permit him to join the duty in the post of School Assistant (Maths) in SGS High School, T.T.D. Tirupathi.

It is the case of the petitioner that the respondents sent a notification to the District Employment Officer, Chittor for filling up six posts of B.Ed. Assistants in Mathematics under reserved category and the District Employment Officer sponsored his name vide his Employment Registration No.C1/92/08693, dated25-5-1989. As per the call letter dated 19-11-1993 received from the respondents, himself and two others have attended for written test and interview. The respondents vide proceedings dated 4-1-1994 appointed him as School Assistant in Maths in the pay scale of Rs.2525-5580 in SGS High School, Tirupati under BC 'B' category. It is his further case that he was working as T.G.T. in A.P. Residential School, Bramhamgari matam, Cuddapah and while he was on leave for two days i.e., on 6-1-1994 and 7-1-1994 he received appointment order. As he intends to join in SGS School, Tirupati, he informed the principal of Residential school that if he fail to report to duty on 8-1-1994, his letter dt.6-1-1994 should be treated as resignation with effect from 6-1-1994. It is further stated that he met the second respondent to report for duty and as per his directions, he gave an undertaking that he gave resignation to the post of TGT in A.P. Social Welfare Residential School, Brahmamgarimatam, Cuddauah. In spite of that he was not permitted to join the duty. Hence the petition.

It is the case of the respondents that the petitioner was appointed for the post of School Assistant, Tirupathi. In the meanwhile a complaint was received on 5-1-1994

against K.Vinayakam who is one of the candidates appointed for the B.Ed. post stating that the said Vinayakam is working in the Government High School, Palasamudram. Basing on that a doubt arose in respect of the petitioner also and asked the petitioner to appear before the respondent. The petitioner appeared before the respondent and stated that he resigned to his previous post, but he did not produce any evidence in token of his resignation. According to F.R. 12 one should hold only one job at a time. Therefore, it sought for dismissal of the Writ petition.

Heard both the counsel and perused the material available on record.

Admittedly, the petitioner was appointed as School Assistant, T.T.D.Tirupathi vide Roc.No.D2/43697/92, dated 4-1-1994 along with two others. In the meanwhile a complaint was received alleging that one Vinayakam was working in the Government High School, Palasamudram and who is one of the candidates appointed by the respondents. It is also on record that the respondents also received a letter from the Principal, A.P.S.W.Residential School, Bramhamgari matam, Cuddapah stating that the petitioner was working in their School as Trained Gradunate Teacher . in Maths and he applied for Casual Leave for two days on 6-1-1994 and 7-1-1994 and he reported for duty on 8-1-1994. Therefore, the petitioner has not resigned to the post in their institution. It is also stated that the petitioner was appointed in his school pursuant to the notification in Daily News Paper Eenadu, dated 23-10-1992 for general recruitment and his name was not sponsored by the Empolyment Exchange.

In view of the above, the petitioner cannot act in two posts at a time and the action of the respondents in not permitting the petitioner to join the duty cannot be found fault with. The Writ Petition therefore, fails and it is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

09-09-2004.

Hsd

Assistant Registrar

// true copy //

` Section Officer

To

1 The Executive Officer, Tirumala Tirupati Devasathanams, TTD Administrative BUildings, Tirupati, Chittoor Dist.
2 Devasthanam Educational Officer, Tirumala Tirupati Devasathanams, TTD Administrative Bildings, Tirupati,
Chittoor Dist.

3 2 C.D. copies.

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